

## **Summary and Timeline of Events Associated with Derelict Dry Docks in Lake Washington**

**Mid-December 2005** Two dry docks (#6 & #7) moved from Tortorelli sublease @ Western Wood (Barbee Mill Lease) and moored to dolphins (and each other) offshore from Quendall Terminals in Lake Washington. Dry dock #7 has approx. 50' steel-hulled fishing boat and 20' fiberglass boat on it.

**December 30-31** Dry dock #7 sinks on State-owned Aquatic Lands. In sinking, it pulls cleats from Dry dock #6 and snaps mooring lines. 20' boat remains on vessel. 50' boat floats off but remains tethered and is later removed by Mercer I. marine patrol.

**Early January** Dry docks visited by Mercer I. marine patrol and U.S. Army Corps of Engineers. Marine Patrol attaches extra lines between the two dry docks.

**January 6, 2006** Dry docks are reported to the Derelict Vessel Removal Program. Dry docks determined to be vessels and subject to jurisdiction under RCW 79.100. Initial report does not allow for prioritization rating. Field inspection deemed necessary. Concern exists that sunken dry dock rests on contaminated sediments associated with Quendall Terminal property.

**January 14-17, 2006** Mercer I. Police investigates ownership of dry docks. Chain of ownership appears to be Lake Union Drydock Company – Elwood Latta – William Hames. Hames appears to be legal owner per most recent documents but legality of sale is questionable.

**January 18, 2006** Field inspection conducted by DNR staff and Mercer I. Marine Patrol. GPS coordinates taken to establish specific location of docks. Dry dock still afloat is boarded and inspected. Vessel contains several small containers of gasoline, oil, antifreeze and hydraulic fluid. Inspection ports are open and ballast chambers are filling with rainwater. Discussion with Marine Patrol suggests that the other dry dock probably sank in high waves because its inspection ports were open and it sat lower in the water (fishing boat on deck). Sunken dry dock appears stable and unmoving. Floating dry dock has several new mooring lines and appears well tethered to sunken dock and dolphin. Dolphin is in poor shape with several broken pilings. Based upon mooring condition to sunken dry dock, DNR determines floating dry dock to be minimal hazard. Floating dock meets definition of abandoned per statute. Sunken dry dock meets definition of derelict and may be environmental hazard if resting on contaminated sediments. DNR staff contacts Dept. of Ecology to have fluids and HAZMAT removed.

**January 19, 2006** Ecology removes oil, etc.

**January 23, 2006** Correspondence from consultant at Anchor Environmental indicates that sunken dry dock does not rest on contaminated site; however, further discussion with EPA suggests that this may be incorrect. Assumption by DNR is that some sediment disturbance is probable. Vessel assigned a priority 3A ranking.

**January 28, 2006** Severe windstorm hits Western Washington with gusts out of the SSW in excess of 40 mph. 20' vessel breaks free and beaches on Mercer Island; removed by Mercer Island Marine Patrol.

**February 2, 2006** Mercer I. marine patrol reports that lines holding dry docks together snapped during storm. Lines were new nylon rope that had been attached last month. Marine patrol suggests that floating dry dock could break loose if subject to more high winds. Large windstorm forecast for Western Washington for the coming weekend (Feb. 4-5); winds to exceed 50 mph.

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**February 3, 2006** DNR declares the floating dry dock an emergency situation and takes temporary possession to secure it. DNR contracts with Global Diving and Salvage, Inc. to secure dock. Field inspection conducted and action plan developed in the a.m. Global uses steel cable to secure floating dock to sunken one. Global also dewater ballast tanks of floating dock. Dry dock weathers storm. Cost of remediation: \$5,022.52.

**February 8, 2006** DNR sends Notice of Intent to Obtain Custody letters for Drydock #6 to all parties of interest. Lake Union Drydock Company and Elwood Latta (via their respective attorneys) respond that they are not owners of nor do they have any interest in the dry docks. No response received from Hames (registered letter returned unclaimed).

**March 10, 2006** Custody under RCW 79.100 obtained of dry dock #6.

**March 13, 2006** King County & Renton indicate willingness to split the match cost three ways with DNR. Dry dock #7 custody notice posted on vessel. DNR sends Notice of Intent to Obtain Custody letters for Dry dock #7 to all parties of interest. Lake Union Drydock reiterates that it has no ownership interest.

**April 2006** King County takes wood & grit samples from dry docks.

**April 15, 2006** DNR obtains custody of dry dock #7 under RCW 79.100

**June 16, 2006** Letter from Ecology indicating that dry docks must be removed from water for demolition & disposal either onto uplands or into a dry dock at an NPDES licensed shipyard (no in place demo).

**Late June 2006** DNR contracts Global to reduce public safety issues with dry docks—secure hatches, add night time lighting, etc since removal of dry docks won't be imminent due to fish window and cost concerns.

**July 25, 2006** Results from King County grit analysis—high in metals.

**Sept. 8, 2006** EPA, DNR (Monica & Melissa), & Mercer Is. Harbor Patrol conduct site visit to look at grit. EPA would like to see how much grit is in holds—unable to access at this point.

**Nov. 27, 2006** Interagency meeting on dry docks with Renton, KC, Mercer Is, DNR to discuss potential funding sources and legislative action. MI Marine Patrol reports that floating dry dock is sitting lower in water than previously. DNR agrees to hire contractor to develop a cost estimate for the vessel removal (and pump vessel at same time).

**~Dec. 10, 2006** Floating dry dock #6 sinks, probably due to accumulated rain from severe November storms. Noticed by DNR (Monica Durkin) & Mercer Is. Marine Patrol on Monday Dec 11. KC received debris reports on Sunday. Dry dock impales itself on pilings.

**Dec. 18, 2006** Global Diving & Salvage conducts dive survey of vessels; verifies condition of navigation lights. Dec.14, 2006 major windstorm may have exacerbated damage to sunken dry dock.

**Jan. 8, 2007** Global report released, e-mailed to Renton, KC.

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**DNR-008088**

## **Next Steps**

### **Agreement and Funding:**

- DNR, King County and the City of Renton all qualify as authorized public entities in this situation. An entity's jurisdiction is the territorial range over which it has the authority to allow, permit or otherwise condition public activities (e.g. ports, cities, counties, parks). An Interagency Agreement would be necessary to establish and define a cooperative effort for removal and disposal.
- Several IAA's have been created in association with derelict vessel removal (e.g. San Juan County-Port of Friday Harbor-Town of Friday Harbor; DNR-Port of Olympia; DNR-Ecology).
- The dry docks continue to pose threats to water quality and navigation in Lake Washington, and will serve as attractive nuisances when boating activity increases in the warmer months. The valves that flood the ballast chambers still function on the floating dry dock and someone could conceivably board the vessel, open the gate valves and sink the dock.
- It makes financial sense to remove both docks at the same time to avoid having to pay for contractor mobilization charges twice. Actual work could not begin until after the second dock was in custody and a contract was awarded (50 days for custody + 20 for RFP distribution, contractor inspections, bid submittals, scoring, insurance emplacement, etc).
- Indemnification against liability associated with the contaminated sediment site needs to be obtained.
- Current reimbursement percentage (effective June 8, 2006) is 90%. Authorized public entities need to contribute 10%. A three-party agreement between King County, City of Renton and DNR would reduce the expenditure to 3.3% of the total cost for each entity.
- Rough estimate for removal and disposal of each dry dock is \$200,000 but may be significantly more. 3.3% of that figure is \$6,600.
- As a part of the Interagency Agreement, an assurance of funds would be given whereby the Derelict Vessel Removal Account would be encumbered to guarantee the 90% funding (\$193,400).
- The current unencumbered DVRA balance is approximately \$350,000.

### **Removal and Disposal/Timeline:**

- DNR typically does removal and disposal of derelict vessels under an RFP/competitive bid process.
- Authorized public entities can contribute goods and services to meet their match percentage, e.g. storage, equipment, landfill services, logistical support.